

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the matter of)

Numbering Resource Optimization)

CC Docket No **99-200**

**COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
ON THE PETITIONS OF THE
WEST VIRGINIA PUBLIC SERVICE COMMISSION AND THE
NEBRASKA PUBLIC SERVICE COMMISSION
FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT
NUMBERING RESOURCE OPTIMIZATION MEASURES**

Pursuant to the Federal Communications Commission's ("FCC") procedural schedule established in the above docket, the Michigan Public Service Commission ("MPSC") hereby submits its comments.

I. INTRODUCTION.

On November 30, 2004, the FCC requested comments regarding the West Virginia Public Service Commission's ("WVPSC")¹ and the Nebraska Public Service Commission's ("NPSC")² Petitions for Additional Delegated Authority to Implement Numbering Resource Optimization Measures.

¹ Petition of the West Virginia Public Service Commission for Expedited Decision for Delegation of Authority to Implement Additional Number Conservation Measures, CC Docket Nos. 99-200 and 96-98, November 1, 2004.

² Petition of the Nebraska Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures, CC Docket Nos. 99-200 and 96-98, November 23, 2004.

Specifically, the WVPSC is requesting delegated authority to implement number conservation measures, in the form of Thousands-block Number Pooling (“number pooling”)³ in the 304 NPA⁴ and the NPSC is requesting delegated authority to implement number pooling in the 402 NPA.

II. DISCUSSION.

The 304 NPA is the sole area code within the state of West Virginia and consists of 228 rate centers. Seven rate centers are located within one of the largest 100 metropolitan statistical areas (“MSA”)⁵; however, only 4 have mandatory number pooling. The NPA Exhaust Analysis indicates that the 304 NPA will exhaust in the 1st Quarter of 2006.⁶ The 304 NPA is in jeopardy with a limited allocation of 6 CO Codes per month.

The 402 NPA is only one of two area codes in the state of Nebraska and consists of 284 rate centers. Currently, 34 rate centers are located within the largest MSAs, but all rate centers within the 402 NPA are technically capable of number pooling. The NPA Exhaust Analysis states that the 402 NPA will exhaust in the 2nd Quarter of 2006 and the area code is not under a jeopardy situation.

As stated by the MPSC in previous submissions, state public utility commissions have been historically, and are currently, very active in area code relief and numbering resource conservation efforts. In 2000, when the MPSC received authority from the

³ Thousands Block Number Pooling is a numbering conservation effort which retrieves and allocates unused telephone numbers in blocks of 1,000 versus the historical allocation of 10,000.

⁴ Number Plan Area or area code.

⁵ Metropolitan statistical areas are defined by the U. S. Census.

⁶ 2004 Number Resource and Utilization Forecast (NRUF) and NPA Exhaust Analysis, April 30, 2004.

Michigan legislature to implement area code relief in the state, a letter was received by the FCC stating “we recognize that state commissions are uniquely positioned to understand local conditions and ensure that the interests of consumers are addressed.”⁷ The FCC continued that state commissions were delegated specific numbering responsibilities due to “their unique familiarity with local circumstances.”

Prior to the national pooling program, state commissions were delegated the authority to begin state number pools, on a case-by-case basis. The order addressing the MPSC’s petition for delegated authority over a state pooling trial stated “the FCC recognized that state commissions may be able to resolve certain issues more quickly than the industry through a consensus process.”⁸ Although state number pooling trials evolved into a national number pooling effort, state commissions continue their involvement in numbering conservation efforts and have played a large part in extending the life of the North American Numbering Plan (“NANP”).⁹

Although area code relief may be less urgent than in 2000, new telecommunications technologies are moving into rural communities and carriers are requesting numbering resources, which may only be available in CO Codes.¹⁰ In very rural communities, thousands of telephone numbers remain stranded in carrier inventories, without the ability to return them to the North American Numbering Plan Administrator (“NANPA”). Recently, a carrier requested and received 13 CO Codes

⁷ Letter to the MPSC from Yog R. Varma, Deputy Bureau Chief, Common Carrier Bureau, FCC, on July 28, 2000.

⁸ Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket 99-200 (DA 01-2013), ¶4.

⁹ In 2000, the NANP was scheduled to exhaust in 2007 and by 2002, the NANP exhaust date was 2031. Currently, the exhaust date for the NANP is 2036.

¹⁰ CO Code is a block of 10,000 sequential telephone numbers representing NPA-NXX.

(130,000 telephone numbers) to serve rural areas in Michigan. These rate centers are already being served by an incumbent carrier. Without the technology and mandate to port and pool telephone numbers, each of these 13 rate centers now have 20,000 telephone numbers (2 CO Codes) to serve just a few hundred customers. This is the recipe for premature exhaust of an area code and is occurring nationwide.

Voluntary number pooling is the ability to number pool in geographic areas that are not in mandatory pool areas (i.e., located in the top 100 MSAs). In Michigan, most of the state is “voluntarily” being number pooled, because the incumbent local exchange carrier (“ILEC”) has upgraded its switches to provide portability and number pooling capabilities in rural areas without being mandated to do so. Optional number pooling occurs in geographic areas that are not mandatory number pool areas, where the ILEC has implemented the technology to pool telephone numbers, but wireless and competitive local exchange carriers (“CLEC”) have the “option” to use telephone numbers from the rate center’s pool (1,000) or request CO Codes (10,000). In each case, voluntary and optional, carriers have the ability to decide whether to number pool or not, and most are choosing not to number pool.

Both the 304 and 402 NPAs are primarily rural with one of year of life remaining, and both have a majority of rate centers which are being voluntarily number pooled. Although the 304 NPA is currently in jeopardy and, therefore, meets all 3 FCC criteria; the 402 NPA is not in jeopardy status.¹¹ Currently, there is no relief plan ordered in the 402 NPA. The MPSC requests review of the use of jeopardy status within a potentially

¹¹ Jeopardy status “exists when the forecasted and/or actual demand for CO Code resources exceed the known supply during the planning/implementation interval for relief.” NPA Code Relief Planning and Notification Guidelines, Industry Numbering Committee, Alliance for Telecommunications Industry Solutions, October 3, 2003.

number pooling area as criteria for receiving delegated authority to undertake additional numbering resource conservation. Jeopardy status within area codes where number pooling has been initiated, either mandatory or voluntary, is no longer a true indicator of NPA life. Therefore, the use of jeopardy status should not be used to determine the need for additional delegated authority.

III. CONCLUSION.

Thousands-block number pooling, in the largest MSAs, extended the life of the NANP by 29 years and the FCC has stated that state utility commissions are in the best position to recognize where these technologies would extend the life of an NPA. The 304 and 402 NPAs are examples of area codes, where the incumbent carrier upgraded their systems providing the opportunity for competitive and wireless carriers to conserve telephone numbers in rural areas and, therefore, lengthening the life of rural area codes. The West Virginia and Nebraska state utility commissions have met all criteria necessary to expand their delegated authority to implement number pooling in these area codes.

The MPSC, therefore, requests that the FCC grant the petition of the WVPSC for delegated authority to implement conservation measures in the 304 NPA and the NPSC for delegated authority to implement conservation measures in the 402 NPA.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By its attorneys:

Michael A. Cox
Attorney General

David A. Voges (P25143)
Steven D. Hughey (P32203)
Michael A. Nickerson (P25138)
Assistant Attorneys General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680

DATED: December 29, 2004